

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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GREGORY TORRES, JR., et al.,

Plaintiff,

MEMORANDUM AND ORDER

-against-

07-CV-425 (ERK)

MAYRA ZULETA,

Defendant.

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ROANNE L. MANN, UNITED STATES MAGISTRATE JUDGE:

The Court is in receipt of defendant's request to adjourn the November 8th arbitration hearing, which motion is joined by plaintiff. Defendants cites two reasons for the request: defendant wishes to make a dispositive motion; and discovery has not been completed. For the following reasons, the application is denied.

First, with respect to the dispositive motion, the parties were previously reminded that any such motion must comply with Judge Korman's individual rules, and defendant has not complied with those rules. More importantly, any argument that the claim is time-barred may be addressed to the arbitrator, who is well-equipped to consider that issue in rendering his award.<sup>1</sup>

With respect to the issue of discovery, it suffices to say that fact discovery ended on August 31, 2007, and defendant has cited no reason for failing to have made a timely

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<sup>1</sup> In addition, defendant will not be deemed to have waived that motion if he waits until after the arbitration hearing to make it.

application to the Court. Nevertheless, the Court will reopen discovery until November 2, 2007, by which date all discovery must be complete.

**SO ORDERED.**

**Dated: Brooklyn, New York  
October 22, 2007**

**ROANNE L. MANN  
UNITED STATES MAGISTRATE JUDGE**